

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3308 of 2000

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in proceeding with the construction of Percolation Check Dam over the lands admeasuring Ac.6-38 guntas in Survey No.169 and Ac.2-08 guntas in Sy.No.164/C of Anthampalli village, Chagadoni panchayat, Gattu mandal, Mahabubnagar district without initiating proceedings under Land Acquisition Act, as arbitrary and illegal.

It appears, petitioners are agriculturists owning various extents of lands as noticed above. It is their grievance that the respondents in a high handed manner, are proceeding with the construction of Percolation Check Dam in Anthampalli village, without initiating the proceedings under the Land Acquisition Act.

This Court, while admitting the writ petition on 24.11.2000, directed the District Judge, Mahabubnagar to conduct an enquiry, after hearing both the parties, if necessary after taking evidence and material to be produced by either side and submit a report on the effect caused due to water percolation or any submergence. It appears, the learned District and Sessions Judge, Mahabubnagar filed his report dated 12.2.2001, which reads as under:

“I also got the land measured actually covered by the Bund and Alugu waters, it is seen that there was pathway passing through the said land. The course of which appears to have been changed by the villagers by using some other portion of the said land. Thus, the writ petitioners 6 and 7 stand to lose the land to that extent, which is rendered uncultivable due to the said fact. As such, the writ petitioners 6 and 7 lost their land partly covered by the said Check Dam Bund, by the said pathway and also by excavation done by the authorities to flow out and/or discharge the excess water into the (Alugu).

My observation of the physical features of the land of the petitioners, Check Dam, as well as the land in and around, coupled with the statements of the petitioners and respondent

No.5, revealed that the Percolation Check Dam is constructed over portions of land belonging to petitioners 6 and 7 in Sy.No.164/C, as well as that of petitioners 1 to 5 in Sy.No.169. However, I am of the view that a detailed survey has got to be undertaken, so as to arrive at the accurate extent of the land belonging to all the petitioners in Sy.No.164/C and 169 i.e. affected, likely to be effected, and/or submerged and likely to be submerged. My enquiries revealed that the land of the petitioners in the said survey numbers is not yet acquired by the Government by issuing any Land Acquisition proceedings”.

From the above, it is clear that the lands of the petitioners have not yet been acquired by the Government by initiating proceedings under the Land Acquisition Act, 1894.

In view of the above, the respondents are directed to initiate proceedings under Land Acquisition Act and to conduct a detailed survey so as to arrive at the actual extent of land belonging to the petitioners in Survey Nos.164/C and 169 of Anthampalli village, Chagadoni panchayat, Gattu mandal, Mahabubnagar District effected, and likely to be effected and/or submerged, within a period of eight weeks from the date of receipt of a copy of this order taking into consideration the report of the learned District and Sessions Judge, Mahabubnagar dated 12.2.2001.

The writ petition is accordingly disposed of. No order as to costs.

C.V.RAMULU, J

Date: 20.12.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3308 of 2000

20.12.2006

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3308 of 2000

Date: 20th December, 2006

Between:

B.Someswara Reddy & others.

.. Petitioners

And

The Government of Andhra Pradesh,
represented by its Principal Secretary,
Irrigation Department, Secretariat,
Hyderabad & others.

.. Respondents